

U.S. Serial No. 10/623,130
Amendment Dated 12-22-05
Response to 9-22-05 OA

Docket No. 740165-000353

REMARKS

Claims 1, 7, 11 and 21 are amended herein and new claim 24 added. No new matter has been introduced in this response. Claims 1-24 are pending.

Applicants thank the Examiner for accepting the drawing modification to Figure 5 and the attendant amendment to the Specification.

In the Final Office Action dated September 22, 2005, claims 1-23 stand rejected, but claims 6-8 and 11-20 were deemed allowable, subject to modifications. Applicants thank the Examiner for this favorable indication.

The primary purposes and advantages of the instant invention, as claimed, and its various operations were set forth in detail in Applicants' July 7, 2005 Response, and, of course, throughout the Specification.

REJECTIONS

35 U.S.C. §112

Claims 1-23 were rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. In particular, the Office Action finds the phrase "connecting members reliably meshes with said plurality of teeth" indefinite and vague for use of the term "reliably". Additionally, the Action finds the term "substantially" in claims 1 and 23 indefinite.

Claims 1, 11 and 21 have been amended to remove the term "reliably," thereby obviating the §112, second paragraph, rejection of these claims on this ground.

Claims 1 and 21 (not 23) have also been amended to remove the term "substantially," thereby obviating the §112, second paragraph, rejection of these claims. In particular, the terminal paragraphs of claims 1 and 21 have been amended to better accord with the language set forth in the Specification at page 35, lines 2-5, i.e., "a distance, along a direction of rotation of the input gear, between two meshing portions of the at least two connecting members is not an integer multiple of said given pitch of the plurality of teeth," as amended.

Applicants respectfully submit that claims 1-23 are no longer indefinite and violative of 35 U.S.C. §112, second paragraph. Reconsideration and withdrawal of the rejection is, accordingly, respectfully requested.

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35 U.S.C. §102

In the Final Office Action, claims 1-2 and 4-5 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,918,717 to Föhl, as previously cited against claims 1, 2, 4, 5, 11-12, 14-15, 21 and 23 in the last Office Action. Applicants thank the Examiner for withdrawing the prior §102(b) rejections of claims 11-12, 14-15, 21 and 23 over Föhl.

As noted above, claims 6-8 and 11-20 were deemed allowable. In particular, claim 6 was considered allowable over the art of record, including Föhl. Applicants have incorporated the limitations of claim 6 into claim 1, canceled claim 6 and changed the dependency of claim 7. In view of this amendment, Applicants respectfully request the reconsideration and withdrawal of the §102(b) rejection of claims 1-2 and 4-5 over Föhl.

35 U.S.C. §103

In the Action, claims 3, 9, 10 and 21-23 stand rejected over 35 U.S.C. §103(a) as being obvious over Föhl, as described above. Applicants thank the Examiner for withdrawing the prior §103(a) rejections of claims 13, 19 and 20.

As noted above, claim 1 has been amended to incorporate the limitations of allowed claim 6, thereby obviating the §103(a) rejection of dependent claims 3, 9 and 10. Applicants respectfully request the reconsideration and withdrawal of the §103(a) rejection of claims 3, 9 and 10 over Föhl.

Additionally, Applicants have incorporated the limitations of allowed claim 6 into claim 21, thereby obviating the §103(a) rejection of claim 21 and claims 22 and 23, dependent thereon. Applicants respectfully request the withdrawal of the §103(a) rejection of claims 21-23 over Föhl.

New Claim 24

Applicants have carefully reviewed the Examiner's reasoning for rejecting original claim 1 over Föhl, and respectfully disagrees with the conclusions, and submits herewith new claim 24. The final paragraph in new claim 24, as in original claim 1, sets forth a limitation that the peripheral distance/interval between the meshing portions/distal ends of the two connecting members/pawls is not an integer multiple of the tooth pitch along the input gear. See Specification, page 34, line 18 to page 35, line 25.

In the Action, the Examiner generally cites Figures 1-8 of Föhl for support. Applicants have reviewed Föhl carefully and cannot find such support for the §102(b) rejection. At best,

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Föhl indicates that "the pawls 32 are slightly offset with respect to each other circumferentially, relative to the tips of the clutch toothing 34." Figure 3 generally shows three unengaged pawls, and Figures 4-8 generally show the (non)engagement of a pawl to a clutch tooth. With particular reference to Figure 3 of Föhl, since the clutch teeth number is ten, the interval thereof is 36° . Since there are three pawls, the interval thereof is 120° . Therefore, it is apparent that the peripheral interval between pawls is not a number which is an integer multiple of the teeth pitch along the input gear. Applicants respectfully submit that there is no discussion or suggestion regarding the correlation of the interval between the distal ends of the pawls to the tooth pitch, as explicitly set forth in claim 24 submitted herewith. Should this concept be described or otherwise suggested in the reference, Applicants respectfully request that the Examiner indicate the relevant portions thereof.

Applicants, accordingly, respectfully submit that new claim 24 is neither anticipated by nor rendered obvious over Föhl, as set forth in connection with claim 1 et al. in the Action. Applicants respectfully submit that claim 24, presented herein, is allowable over the art of record, including Föhl, and requests allowance.

DOUBLE PATENTING

Claims 1-23 remain provisionally rejected for obviousness-type double patenting over claims 1-20 of co-pending U.S. Patent Application Serial No. 10/615,388. Although Applicants filed a Terminal Disclaimer obviating the double patenting rejection of claims 1-7, 11-17 and 21-23 over U.S. Patent No. 6,857,594 (hereinafter "the '594 patent"), limiting the term to any patent issuing from the instant application to the term of the '594 patent, Applicants did not file the requisite Terminal Disclaimer for the aforementioned co-pending application. In the Action, the Terminal Disclaimer filed by Applicants was rejected, presumably for this sole deficiency.

Applicants thank the Examiner for not requiring a further fee for submitting another Terminal Disclaimer for both the co-pending application and the '594 patent, and apologizes for any inconvenience.

Attached is a Terminal Disclaimer limiting the term to any patent issuing from the instant application to the term of USP 6,857,594 and any patent issuing from U.S. Patent Application Serial No. 10/615,388.

In view of the submission of the second Terminal Disclaimer, Applicants respectfully submits that the provisional obviousness-type double patenting rejection of claims 1-23 has been

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overcome. Accordingly, Applicants respectfully requests the reconsideration and withdrawal of the provisional rejection of claims 1-23, as well as claim 24, for obviousness-type double patenting.

ALLOWED CLAIMS

Applicants again thank the Examiner for the indication of allowability for claims 6-8 and 11-20.

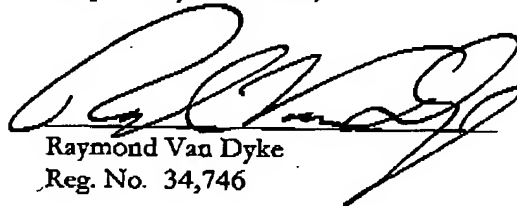
As indicated hereinabove, Applicants respectfully submit that claims 1 and 21 as amended to incorporate the allowable features of claim 6, and the pending dependent claims therefrom, *i.e.*, claims 2-5, 7-20 and 22-23, respectively, are all allowable over the art of record. Also, the remaining rejection for double patenting has been obviated due to the filing of the second Terminal Disclaimer.

Applicants therefore respectfully submit that claims 1-5, 7-20 and 21-23, as well as new claim 24, are allowable in view of the amendments and arguments set forth above.

Now that the claims are believed to be patentable, the prompt issuance of a Notice of Allowance and Issue Fee Due is hereby earnestly solicited.

The Commissioner is authorized to charge any overage or shortage of fees connected with filing of this Amendment to Deposit Account No. 19-2380 (740165-000353).

Respectfully submitted,



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